

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Charles H. Johnson,

Plaintiff,

v.

Case No. 07-12750

Secretary of Veterans Affairs, *et al.*,

Honorable Sean F. Cox

Defendants.

ORDER DENYING
REQUEST FOR DOCUMENTS WITHOUT PREJUDICE

Proceeding *pro se*, Plaintiff Charles Johnson (“Plaintiff”) filed this action on June 29, 2007, asking this Court to review two Merit Systems Protection Board Appeals that he previously filed. In an Opinion & Order issued on February 12, 2008, this Court granted Defendants’ Motion to Dismiss.

On February 8, 2008, while Defendants’ Motion to Dismiss was still pending, Plaintiff filed a “Request for Documents” (Docket Entry No. 15). In that submission, Plaintiff requests that he be provided, free of charge, with a transcript of the January 17, 2008 hearing of Defendant’s Motion to Dismiss.

Under certain circumstances, a court may direct that the expense of preparing a transcript for purposes of appeal be paid by the United States if such printing is required by the appellate court. *See* 8 Fed. Proc. L. Ed. § 20:263. However, “[a] **request for a free transcript is premature when it is filed while the district court case is still pending and before an appeal is available.**” *Id.* (emphasis added); *Romero Barcelo v. Brown*, 655 F.2d 458, 462 (1st Cir. 1981). Because Plaintiff’s request for a transcript was made during the pendency of this action,

and before Plaintiff has filed any appeal, this Court lacks the authority to grant Plaintiff's request.

Accordingly, Plaintiff's "Request for Documents" is **DENIED WITHOUT PREJUDICE.**

IT IS SO ORDERED.

s/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: February 13, 2008

I hereby certify that on February 13, 2008, a copy of the foregoing document was served upon counsel of record by electronic means and by First Class Mail upon:

Charles H Johnson
1410 Washington Blvd.
Apt. 905
Detroit, MI 48226

s/J. Hernandez
Case Manager